

**CITY OF NEWBERG CITY COUNCIL MINUTES
NOVEMBER 1, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. Staff presented an update on affordable housing. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Janelle Nordyke, Finance Director
	David Beam, Economic Development Coordinator	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

Others

Present: Pat Haight, Hank Grum, Russ Thomas, Michael Gunn, Leonard Johnson, Rob Felton, Steve Clay, and Corey Zielsdorf

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported he is expecting to receive a draft of the work done on the vision statement from Nancy Boyer this week. He announced the jersey received from the George Fox University girls basketball championship has been framed and is hanging up at the City Hall.

V. PUBLIC COMMENTS

Ms. Pat Haight spoke of attending various meetings around town to see what people are investing their time into around Newberg as well as traveling to other surrounding cities to see what they are doing. She stated her desires to see the City start taking care of the town's needs, like broken sidewalks and paving streets, before they do other neat ideas. She encouraged the City to focus on bringing jobs to Newberg and helping fix what is broken or run down around town. Although she agreed having a vision is good, she felt the focus should be more on creating a strong foundation, which cannot be done when people are struggling to survive. She encouraged council to take a different direction for a little while to give the people who are having a hard time support.

Mr. Hank Grum said he would like to attract businesses to town and have the present businesses stay here. He learned from walking around and talking to business owners there are a lot of problems with the sign ordinance

and gave a few examples of downtown businesses struggling to meet the code requirements; he did not feel the ordinance was very welcoming to businesses coming to Newberg and that it makes the City look capricious, he asked that it be looked at again.

Mr. Russ Thomas, Chairman of the Old Fashioned Festival Committee, thanked the council and the City for their support to keep this family friendly festival going every summer. He spoke of the staff time and monetary contributions helping to make the festival happen.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2010-2921** approving the expenditure of \$7,500.00 to support the Newberg Downtown Coalition.
2. Consider a motion approving **City Council Minutes** for October 4, 2010.

MOTION: Shelton/Rierson approving the Consent Calendar including **Resolution No. 2010-2921** approving the expenditure of \$7,500.00 to support the Newberg Downtown Coalition and the **City Council Minutes** for October 4, 2010. (7 Yes/0 No) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion adopting **Resolution No. 2010-2922** approving Supplemental Budget #1 for the 2010-2011 Fiscal Budget.

TIME – 7:10 PM

Mayor Andrews opened the public hearing and called for any conflicts of interest or abstentions; none appeared.

Ms. Janelle Nordyke, Finance Director, presented the staff report and pointed out an amendment needed to be made to the supplemental budget to not include the additional \$7,500.00 to the Newberg Downtown Coalition (NDC) since this expenditure was already approved by Resolution No. 2010-2921; including this in the supplemental budget would essentially allocate those funds twice, so it needs to be removed. The increase of \$7,500.00, the third item at the top of Exhibit “A” under Fund 1 for Community Support, would be deleted (see official meeting packet for full report).

Mayor Andrews opened the public testimony.

Ms. Haight raised concerns for the costs of the utility assistance program, asking why it was costing over \$50,000.00 in administrative support services to give away \$15,000.00. Staff explained the Council adopted more than just \$15,000.00 for utility assistance; the total was actually \$43,000.00 with 50% taken from the water fund and 50% taken from the waste water fund. The program was originally in the utility billing department, which is the administrative support services fund. The money in the budget is for the utility billing assistance program, not for staff time. Ms. Haight replied she only recalled hearing that \$15,000.00 was being given to Love, INC. Mr. Danicic replied he will email Ms. Haight a copy of the details of this fund as follow up.

Mayor Andrews closed the public testimony.

Staff recommended adopting the supplemental budget with the amendment to delete the third entry of \$7,500.00 to Community Support, increasing the contingency by the same amount, and adjusting the number totals to reflect this correctly.

Mayor Andrews closed the public hearing.

MOTION: Witherspoon/McKinney adopting **Resolution No. 2010-2922** approving Supplemental Budget #1 for the 2010-2011 Fiscal Budget deleting the third entry of \$7,500.00 to Community Support, increasing the contingency by the same amount, and adjusting the number totals to reflect this correctly. (7 Yes/0 No) Motion carried.

2. Consider a motion adopting **Order No. 2010-0029** designating the Johnson Furniture site as a local historic landmark.

TIME – 7:30 PM

Mayor Andrews opened the public hearing and called for any biases, ex parte contact, or objections to jurisdiction.

Councilor McKinney stated he had discussions with the Johnson's and staff concerning the sign.

Mayor Andrews stated he has been a customer of Johnson's Flooring in the past, but his decision will be based on the record.

Councilor Denise Bacon stated people had called her about issues with the sign at Johnson's and she spoke to staff, but she does not remember the details of those conversations.

Councilor Bart Rierson stated he has been a customer of Johnson's in the past and brought it up for Council Business once for an example of the signage code being inappropriate, but his decision will be based on what is proposed.

Mr. Barton Brierley, Planning and Building Director, presented the staff report including a PowerPoint as a visual aid (see official meeting record for full report).

Councilor Ryan Howard asked what the proposed change would entail for this building to be included in the historic inventory zone. Staff replied any property on historic inventory would need to have any exterior alterations reviewed to ensure it does not change the historical character and any signs on the building can remain, which is what prompted this request. Councilor Howard wondered if this included any transfers of ownership or attempts to demolish for repurposing of the land. Staff replied change of ownership or use does not affect this, but there is a process to demolish the building.

Mayor Andrews opened the public testimony.

Mr. Michael Gunn, representing Johnson's Flooring, stated this request was driven by the sign on the awning being required to change according to the sign ordinance. He admitted the Johnsons did not apply for the continuation of the nonconforming sign and cited several contributing factors; ultimately removing the sign and replacing it would cost approximately \$40,000.00, which is a burden the business cannot afford. He mentioned there were over one hundred and thirty letters that support keeping the sign the way it is and by approving this request to have the building included on the historic inventory, removing the sign can be avoided. He spoke of many business owners who were not supportive of the sign ordinance and those that were did not feel it would be as restrictive as it ended up being.

Councilor Witherspoon asked if the Council were to somehow override the sign ordinance and allow the sign to remain as it is - would they continue this process for historic designation.

Mr. Leonard Johnson, Johnson's Flooring, stated this was all about keeping the sign and they would probably not pursue the historic designation if the sign were allowed to remain as it is.

Councilor Howard asked staff what restrictions were placed on other signs that received nonconforming conditions. Staff replied it was on an individual basis, some had no conditions, and others had to do some landscaping adjustments.

Councilor McKinney asked if the Johnsons would bear any financial burden to change from C3 to C3H. Mr. Gunn replied there is no fee for applying.

Councilor Shelton asked staff if any revisions made to the property were Type 1 decisions. Staff replied about 60% of revisions on Type 1, so they are staff overview only; the other 40% would require review by the Planning Commission.

Mayor Andrews closed the public testimony. Staff recommended approval and stated the building really is an asset to City and to the Downtown; it contributes to the character and is worth preserving.

Mr. Terrence Mahr, City Attorney, spoke of the applicant's right to submit further written testimony or to waive their rights. Mr. Gunn stated they would waive their rights to submit further written testimony so deliberations could proceed. Mayor Andrews closed the public hearing.

MOTION: Shelton/Rierson adopting **Order No. 2010-0029** designating the Johnson Furniture site as a local historic landmark, read by title only.

Councilor Rierson stated the building has historic significance and the sign adds character to the Downtown; he felt it would be a travesty to remove the sign to comply with the ordinance. He did not feel it was the intent of the sign ordinance to make things less attractive and felt this was a good compromise and gave the City the assurance this building will continue to have the same character while keeping the sign.

Councilor Witherspoon agreed with the historic designation one hundred percent if there was no other way to keep the sign as it is. Staff replied the only other option is to amend the sign ordinance or to designate the sign as a cultural landmark.

Councilor McKinney said although the Council has the power to make an exception, he did not feel that would alleviate upcoming problems for downtown vendors and those already calling for amendments to the electronic sign code. He felt designating this as historic was a way to address the Johnson's situation without addressing their neighbors.

Councilor Shelton asked staff to cite other locations allowed to keep their signs because of being historic. Staff mentioned the Cameo Theater as an example and noted the 99W Drive-In sign was designated as a cultural landmark; several signs downtown are designated nonconforming that are allowed to remain.

Mayor Andrews stated he supports the ordinance as presented for historical designation and thanked Johnson Furniture for their willingness to move in this direction; he felt it was a public statement to provide protection of the historic buildings they own.

VOTE: To adopt Order No. 2010-0029. (7 yes/0 No) Motion carried.

Mayor Andrews recessed at 8:08 PM and reconvened at 8:12 PM.

VIII. NEW BUSINESS

Consider a motion dissolving the Newberg Downtown Revitalization Committee.

TIME – 8:12 PM

Mr. Danicic presented the staff report and handed out an email received by Mr. John Bridges (see official meeting packet for full report).

Councilor Shelton asked if the Newberg Downtown Coalition (NDC), the Newberg Downtown Association (NDA), and the Newberg Downtown Revitalization Committee (NDRC) were all related to the Chehalem Valley Chamber of Commerce. Staff replied the NDA and NDRC are separate from the Chamber. The NDC began as a result of Chamber investigation of a new Urban Renewal Program, but there is no official connection between them at this time.

Councilor Rierson asked Mr. Felton if he was associated with the groups other than being the Chair of the NDRC.

Mr. Rob Felton stated he is the president of the NDC, Chair of the NDRC, and was a board member of the NDA. He also stated he was okay with the dissolution of the NDRC.

Mayor Andrews asked if he would support putting the NDRC at rest or making it inactive for the time being rather than dissolving it. Mr. Felton he would be okay with that as well, but he felt it was possible to use other methods to administer these types of funds.

Councilor Witherspoon was concerned with the opposition raised and wondered why there was so much resistance. He asked how all three entities feel about each other and if every member is in the NDA or in the NDC as well. Mr. Felton replied about three fifths of NDRC are doing both; Mr. Bridges, as the President of the Chamber asked to start the NDC and was part of the process as well; if the NDRC dissolved, he and others would move efforts over to the NDC.

Councilor Shelton asked if there were any other projects the NDC solely owns other than the involvement in the Main Street Program. Mr. Felton mentioned Downtown Clean-up Days and coordinating events for the Camellia Festival and Project for Public Spaces. NDC also put together other events such as the Farmer's Market and the Downtown Halloween although they were funded from elsewhere.

Councilor Shelton asked the City Attorney about how the charter directs dissolving an ad hoc committee vs. a citizen advisory committee.

Mr. Mahr replied the charter addresses committees established by resolution where as ad hoc committees are just established by Mayor. It was asked if the NDRC was established by resolution as a citizen's advisory committee. Mr. Beam replied the NDRC was established in February of 2003, which was prior to the new charter, so the Mayor did not just appoint those members as he would according to the new charter. Mr. Mahr felt since it was not established by a resolution the Council could move forward with the proposal as it is.

Councilor McKinney asked about funds designated to NDRC and/or NDC at the moment. Staff replied there were none designated to NDC other than the occasional money into specific projects; the NDRC has administrative costs for staff help from Mr. Beam and a minute recorder, the members are volunteers.

MOTION: Shelton/Bacon to dissolve the Newberg Downtown Revitalization Committee.

Mr. Steve Clay, Vice Chair of NDRC, felt this would simplify and stream line the process. He is not a business owner downtown, but just a citizen who likes to go downtown and felt whatever can be done to make better is what he wants. He is not currently a member of the NDC, but if he needs to join to continue helping clean up and preserve the historic Downtown Newberg he will.

Mr. Corey Zielsdorf, NDRC, stated he has been a member for three to four years and spoke of why it started. He spoke of the opportunities of the Main Street Program and the NDC to bring funding Downtown. He appreciates the enthusiasm and spoke of being realistic about volunteer efforts.

Councilor Rierson said he is a former member of the NDRC and spoke of some reservations about dissolving for history purposes; but, he felt the Main Street Program attracts better funding and supports the motion.

Councilor Witherspoon was in favor of the motion, but he wanted to make sure the last minute email they received from Mr. Bridges did not represent the opinion of others. Rob Felton felt the opposition did not extend to more than the one person in this matter.

Discussion followed to ensure the City Attorney was comfortable with dissolving the committee created by a resolution. Mr. Mahr felt comfortable there is a clear record and that there is authority to do this with a motion only.

Councilor Rierson concluded by thanking the members of the NDRC for work they have done and ensured them just because they were dissolving it for purposes of eliminating redundancy, it does not mean the work is not appreciated.

VOTE: To dissolve the NDRC as of December 31, 2010. (7 Yes/0 No) Motion carried.

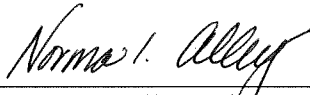
IX. COUNCIL BUSINESS

None.

X. ADJOURNMENT

The meeting adjourned at 8:43 PM.

ADOPTED by the Newberg City Council this 6th day of December, 2010.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 9th day of December, 2010.



Bob Andrews, Mayor